

APPEAL NO. 022828
FILED DECEMBER 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 2, 2002. The hearing officer determined that the appellant (claimant) was not entitled to reimbursement of her travel expenses to and from her pain management clinic in (City 1). The claimant appealed, arguing the unique nature of her City 1 pain clinic and asking that travel expenses, which were paid previously, continue to be paid. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

It is important to outline what was in issue. The medical necessity of the claimant's treatment itself was not in issue, nor is she compelled to find another doctor. She can choose to continue traveling to the pain management clinic of her choice. Any medical necessity issue concerning continuing such treatment must be resolved through Medical Dispute resolution. The issue was whether the carrier must continue to furnish travel expenses to and from that clinic after nearly five years.

We have reviewed the decision and appeal, as well as the evidence in the case, and cannot agree that the hearing officer erred. She has correctly applied the new rule regarding allowance of travel expenses and determined that comparable treatment was reasonably available within 20 miles of the claimant's residence. As noted by the hearing officer, the procedures performed by the claimant's pain management clinic could be obtained in the town of her residence, at similar practices. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE ASSOCIATION** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge